

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRUNSON COMMUNICATIONS, INC.	:	CIVIL ACTION
	:	
v.	:	
	:	
ARBITRON, INC.	:	NO. 02-3223

**ORDER**

AND NOW, this 10<sup>th</sup> day of June, 2003, it is hereby ORDERED that:

1. The Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) is GRANTED;
2. The Plaintiff's claim for Negligence is dismissed, with prejudice;
3. The Plaintiff's claim for Disparagement of Commercial Products is dismissed without prejudice to Plaintiff's right to file a Third Amended Complaint within twenty days; and
4. The Plaintiff's Motion for Leave to Amend is DENIED as moot.

**BY THE COURT:**

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**MICHAEL M. BAYLSON, U.S.D.J.**